



Attorney's Docket No. 017951-01

TECH CENTER 1600/2900

JUL 22 2003

RECEIVED

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of)
Philippe MENEI et al) Group Art Unit: 1615
Application No.: 10/022,241) Examiner: Blessing M. Fubara
Filed: December 20, 2001) Confirmation No. 7151
For: TREATMENT OF INOPERABLE)
TUMORS BY STEREOTACTIC)
INJECTION OF MICROSPHERES)

RESPONSE TO ELECTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In complete response to the Election Requirement issued by the Patent and Trademark Office on July 2, 2003, applicants hereby elect with traverse glioblastomas as the specific brain tumor.

This request for election is believed to be in error. The instant invention is directed to the treatment of inoperable tumors using biodegradable microspheres which release an anticancer agent by stereotactic injection, as recited in claim 1. This is the second restriction issued in this application. Applicants previously elected, with traverse, brain tumors. Further restricting the invention to a particular type of tumor is believed to be unnecessary. No undue burden would be place on the Patent Office to examine the use of the claimed biodegradable microspheres for treating any type of tumor, much less any type of brain tumor.

Claims readable on the elected invention are claims 1-20 and 24-27.

In view of the above, it is respectfully requested that the restriction requirement be withdrawn or at the very least altered.

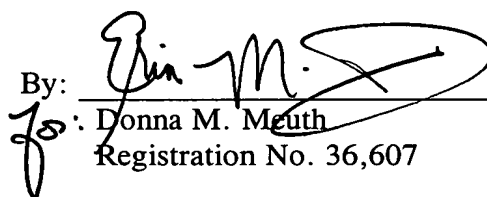
In the event that there are any questions relating to this amendment or the application in general, it would be appreciated if the Examiner would contact the undersigned attorney at (650) 622-2360.

Early and favorable action in the form of a notice of allowance is respectfully requested.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

By:

 #51,147
Donna M. Meuth
Registration No. 36,607

P.O. Box 1404
Alexandria, Virginia 22313-1404
(703) 836-6620

Date: July 21, 2003



Attorney's Docket No. 01775-017

TECH CENTER 1601/2001

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In re Patent Application of)
Philippe MENEI et al) Group Art Unit: 1615
Application No.: 10/022,241) Examiner: Blessing M. Fubara
Filed: December 20, 2001) Confirmation No. 7151
For: TREATMENT OF INOPERABLE)
TUMORS BY STEREOTACTIC)
INJECTION OF MICROSPHERES)

AMENDMENT/REPLY TRANSMITTAL LETTER

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Enclosed is a reply for the above-identified patent application.

- ☐ A Petition for Extension of Time is also enclosed.
- ☐ A Terminal Disclaimer and the ☐ \$55.00 (2814) ☐ \$110.00 (1814) fee due under 37 C.F.R. § 1.20(d) are also enclosed.
- ☐ Also enclosed is/are _____.
- ☐ Small entity status is hereby claimed.
- ☐ Applicant(s) requests continued examination under 37 C.F.R. § 1.114 and enclose the ☐ \$375.00 (2801) ☐ \$750.00 (1801) fee due under 37 C.F.R. § 1.17(e).
- ☐ Applicant(s) requests that any previously unentered after final amendments not be entered. Continued examination is requested based on the enclosed documents identified above.
- ☐ Applicant(s) previously submitted ___, on ___, for which continued examination is requested.
- ☐ Applicant(s) requests suspension of action by the Office until at least ___, which does not exceed three months from the filing of this RCE, in accordance with 37 C.F.R. § 1.103(c). The required fee under 37 C.F.R. § 1.17(i) is enclosed.
- ☐ A Request for Entry and Consideration of Submission under 37 C.F.R. § 1.129(a) (1809/2809) is also enclosed.

(05/03)

☒ No additional claim fee is required.

☐ An additional claim fee is required, and is calculated as shown below:

| AMENDED CLAIMS | | | | | |
|--|---------------|---|--------------|--------------------|-----------|
| | NO. OF CLAIMS | HIGHEST NO. OF CLAIMS PREVIOUSLY PAID FOR | EXTRA CLAIMS | RATE | ADD'L FEE |
| Total Claims | | MINUS = | | × \$18.00 (1202) = | |
| Independent Claims | | MINUS = | | × \$84.00 (1201) = | |
| If Amendment adds multiple dependent claims, add \$280.00 (1203) | | | | | |
| Total Claim Amendment Fee | | | | | |
| If small entity status is claimed, subtract 50% of Total Claim Amendment Fee | | | | | |
| TOTAL ADDITIONAL CLAIM FEE DUE FOR THIS AMENDMENT | | | | | |

☐ A total fee in the amount of \$ _____ is enclosed.

☐ Charge \$ _____ to Deposit Account No. 02-4800.

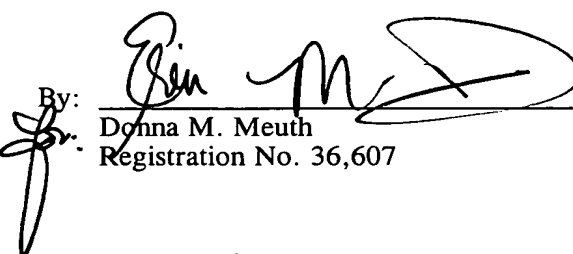
The Director is hereby authorized to charge any appropriate fees under 37 C.F.R. §§ 1.16, 1.17, 1.20(d) and 1.21 that may be required by this paper, and to credit any overpayment, to Deposit Account No. 02-4800. This paper is submitted in duplicate.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

Date: July 21, 2003

By:

 Donna M. Meuth
Registration No. 36,607

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